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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,539	01/19/2001	Hyung-joon Kwon	8021-28 (SS-14984-US)	1424

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EXAMINER	
TORRES, JOSEPH D	

ART UNIT	PAPER NUMBER
2133	11

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/765,539	KWON, HYUNG-JOON	
	Examiner	Art Unit	
	Joseph D. Torres	2133	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1-16*.

Claim(s) withdrawn from consideration: _____.

8.☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant contends, "The Examiner has indicated that 'nowhere does the Applicant teach `correcting erasures and then actual errors in the code words using the erasure flags'." O.A. at 3. The Examiner's attention is drawn to the Application, page 15, lines 19 23, for example, which teaches that "The ... decoder ... determines the information data symbols ... associated with the first erasure flag ... . After the erasure correction is performed on the erasure symbols, the error correction is performed on the ... data symbols ...". Accordingly, the Applicant does teach "correcting erasures and then actual errors in the code words using the erasure flags.""
The Examiner disagrees and asserts that the Applicant admits that the passage on page 15, lines 19 23 teach that erasure flags are used to correct erasures (Note: using erasure flags to correct erasures is well known in the art), but does not teach erasure flags are used to correct actual error. If the Applicant intended -- correcting erasures using the erasure flags and then correcting errors in the code words - the Applicant must explicitly claim that limitation since nowhere in the Application does the Applicant teach -- correcting erasures using the erasure flags and then correcting errors in the code words using the erasure flags --.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "It is clear from the Application in its entirety that Applicant has developed a correction process capable of correcting erasures and then actual errors (see, e.g., Application, page 15, lines 19 23, supra.). The fact that the phrase that Applicant chose to refer to this process translated from a foreign language into 'error erasure correction' must not be allowed to detract from Applicant's teachings themselves."), i.e., the Application in its entirety, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
The Examiner would like to point out that the Applicant agrees that the Prior Art interpretation of 'error erasure correction' is consistent with the Applicant's intended usage... the correction of a particular type of error whereby the location of the error is known called an erasure in the Prior Art.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "The Examiner's citation of 'efficiently coded' as relative maybe out of context. In the prior Response, 'error erasure correction' was summarized for the Examiner to "include the decoding step of ... determining if there are any erasures so that they may be more efficiently corrected prior to performing any attempted correction of actual errors for which error locations are unknown."") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant contends, "The Examiner has asserted that "erasures are actual errors" (O.A. at 5). Equation 1, as introduced and described in the Background section of the Application (App. at 2, lines 12 23), clearly differentiates erasures from actual errors. Locations of erasures are known, while locations of actual errors are unknown."
The Examiner disagrees and asserts that Miriam-Webster's dictionary defines actual as existing in fact and not merely potentially. An erasure is an error that exists in fact, hence is an actual error.

The Applicant contends, "Applicants have used the phrase "error erasure correction" to include the decoding step of determining if there are any erasures (with known locations) prior to performing correction of any actual errors (with unknown locations)". Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term is indefinite because the specification does not clearly redefine the term.

The Examiner asserts that if the Applicant desires that the claims include the limitation "determining if there are any erasures (with known locations) prior to performing correction of any actual errors (with unknown locations)", the Applicant must explicitly include such language in the claims..

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